

EXHIBIT A



Your Missouri Courts

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Case File	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/Execution
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[Click here to eFile on Case](#)Sort Date Entries: ☒

Descending

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Document ID - 21-SMCC-337; Served To - IOC-CAPE GIRARDEAU LLC DBA CENTURY CASINO CAPE GIRARDEAU MAR; Server - HARMON, RUFUS; Served Date - 24-MAY-21; Served Time - 00:00:00; Service Type - Special Process Server; Reason Description - Served

☐ **Notice of Service**

Return of Service-Century Casino; Electronic Filing Certificate of Service.

Filed By: CHARLES RAY WOOTEN

On Behalf Of: MILES PIPER

05/21/2021 ☐ [Summons Issued-Circuit](#)

Document ID: 21-SMCC-337, for IOC-CAPE GIRARDEAU LLC DBA CENTURY CASINO CAPE GIRARDEAU MAR.

☐ **Case Review Scheduled**

Scheduled For: 09/13/2021; 9:00 AM ; SCOTT ALAN LIPKE; Cape Girardeau (Jackson)

☐ [Order - Special Process Server](#)

Appointed as requested by: Jana Walther, Deputy Clerk

Associated Entries: 05/20/2021 - [Motion Special Process Server](#)

05/20/2021 ☐ [Motion Special Process Server](#)

Request for Special Process Server.

Filed By: CHARLES RAY WOOTEN

On Behalf Of: MILES PIPER

Associated Entries: 05/21/2021 - [Order - Special Process Server](#)

☐ [Entry of Appearance Filed](#)

Entry of Appearance-Jonathan Doss.

Filed By: CHARLES RAY WOOTEN

☐ **Note to Clerk eFiling**

Filed By: CHARLES RAY WOOTEN

☐ **Filing Info Sheet eFiling**

Filed By: CHARLES RAY WOOTEN

☐ [Pet Filed in Circuit Ct](#)

Petition for Damages.

Filed By: CHARLES RAY WOOTEN

☐ **Judge Assigned**

STATE OF MISSOURI)
) SS.
 COUNTY OF CAPE GIRARDEAU)

IN THE CIRCUIT COURT FOR THE 32ND JUDICIAL CIRCUIT
 OF MISSOURI AT CAPE GIRARDEAU COUNTY, MISSOURI

MILES PIPER)	
)	
Plaintiff,)	
)	
vs.)	Case No.:
)	
IOC-CAPE GIRARDEAU, LLC d/b/a)	
CENTURY CASINO CAPE GIRARDEAU)	
Serve: Marc Ellinger, Registered Agent)	
308 East High Street, Ste 300)	
Jefferson City, MO 65101)	
)	
Defendant.)	

PLAINTIFF'S PETITION FOR DAMAGES

COMES NOW Plaintiff, Miles Piper, by and through undersigned counsel, and for his causes of action against Defendant, IOC-Cape Girardeau, LLC d/b/a Century Casino Cape Girardeau, and states to the Court as follows:

JURISDICTION AND VENUE

1. That Plaintiff, Miles Piper is, and at all times mentioned herein was, a citizen of the State of Missouri, and present in Cape Girardeau County, State of Missouri.
2. That at the time of the acts complained of herein and at all times mentioned, IOC-Cape Girardeau, LLC d/b/a Century Casino Cape Girardeau ("Defendant") was registered with the State of Missouri as a limited liability corporation and doing business at 777 Main Street, City of Cape Girardeau, County of Cape

Girardeau, State of Missouri with its registered agent for service of process being Marc Ellinger, 308 East High Street, Ste 300, Jefferson City, MO 65101.

3. That, because Defendant transacts business in, and all allegations occurred in, Cape Girardeau County, Missouri, and pursuant to Missouri Revised Statute §508.010, this is the Court of proper jurisdiction and venue.

COUNT I

4. That on or about November 5, 2018, Plaintiff was a patron of Defendant's Casino, located at 777 Main Street, Cape Girardeau, MO 63701 (hereinafter the "Premises").

5. That on aforesaid date, Defendant had possession and control of the Premises.

6. That to enter and exit the Premises, Plaintiff had to go through a motorized revolving door.

7. That upon information and belief, the revolving door would commence and cease rotation based upon a patron's movement or non-movement within the vestibule of the same.

8. That on aforesaid date on the Premises there existed a dangerous condition, which consisted of a malfunctioning motorized revolving door of which Defendant was or should have been aware.

9. Plaintiff was not aware of aforesaid dangerous condition.

10. Defendant owed Plaintiff a duty to exercise reasonable care for his safety and to maintain the revolving door on the Premises in a reasonably safe condition.

11. That on aforesaid date, as Plaintiff was leaving the Premises, he entered the vestibule of the revolving door and began walking and the door and/or motor malfunctioned and struck Plaintiff, causing him to fall and sustain injury.

12. That Defendant was negligent in the following respects, to-wit:

- a. Failed to warn of the aforementioned condition;
- b. Failed to barricade the aforementioned dangerous condition;
- c. Failed to correct the aforementioned dangerous condition;
- d. Failed to provide for alternate points of ingress and egress; and
- e. Failed to exercise the degree of care as would a reasonable and prudent property owner.

13. That as a direct and proximate result of the negligence of Defendant as aforesaid, Plaintiff was struck by the revolving door and fell hard to the ground and sustained injuries to his right hip and all the bones, muscles, tendons, tissues, joints, ligaments, vessels, nerves and other soft tissues were severely wrenched, twisted, torn, impacted, crushed and otherwise damaged and Plaintiff's nerves and entire nervous system were disturbed and injured and that Plaintiff's serious and permanent injuries have caused Plaintiff to suffer limitation of motion and loss of ability to perform day-to-day activities and thereby has prevented Plaintiff from enjoying life and earning income; that Plaintiff has in the past and will in the future be required to seek medical care and incur expenses therefor; that all of Plaintiff's injuries are permanent and progressive in nature.

14. That Plaintiff has been caused to expend funds for his treatment and care and he will be forced to expend funds for treatment and care in the future.

WHEREFORE Plaintiff Miles Piper prays the Court enter judgment in his favor against Defendant, IOC-Cape Girardeau, LLC d/b/a Century Casino Cape Girardeau, in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), for costs incurred herein, and for such other and further relief as the Court may deem just and proper.

COUNT II – RES IPSA LOQUITUR

15. Plaintiff incorporates paragraphs 1 – 14 as if fully set forth herein.

16. On or about November 5, 2018, Defendant owned, maintained, operated, rented and/or controlled the Premises.

17. On or about November 5, 2018, Plaintiff was lawfully present at the Defendant Premises.

18. On or about November 5, 2018, as Plaintiff was exiting the Premises, Defendant's motorized revolving door struck malfunctioned and struck Plaintiff which caused him to fall har and sustain serious injury.

19. That the type of injury suffered by Plaintiff, and the circumstances under which Plaintiff suffered his injuries, ordinarily occurs due to someone's negligence, in that motorized revolving doors typically do not malfunction and strike patrons with such a force so as to knock them to the ground.

20. The incident which gave rise to Plaintiff's injuries was caused by an instrumentality under the Defendant's management and control in that Defendant owned and maintained the Premises upon which Plaintiff was injured.

21. That Defendant had superior knowledge or access to information as to the cause of the occurrence.

22. That based upon the aforementioned facts and reasonable inferences of the occurrence wherein Plaintiff was struck by a motorized revolving door and caused to fall to the ground and sustain injury, such occurrence was directly caused by Defendant's negligence.

23. That as a direct and proximate result of the Defendant negligence as aforesaid, Plaintiff was struck by the revolving door and fell hard to the ground and sustained injuries to his right hip and all the bones, muscles, tendons, tissues, joints, ligaments, vessels, nerves and other soft tissues were severely electrocuted and otherwise damaged and Plaintiff's nerves and entire nervous system were disturbed and injured, including but not limited to injury to the Plaintiff's wrist, hand and upper extremity, that Plaintiff's serious and permanent injuries have caused Plaintiff to suffer limitation of motion and loss of ability to perform day-to-day activities and thereby has prevented Plaintiff from enjoying life and earning income; that Plaintiff has in the past and will in the future be required to seek medical care and incur expenses therefor; that all of Plaintiff's injuries are permanent and progressive in nature.

24. That Plaintiff has been caused to expend funds for his treatment and care and he will be forced to expend funds for treatment and care in the future.

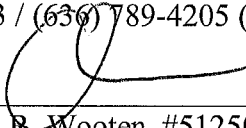
WHEREFORE Plaintiff Miles Piper prays the Court enter judgment in his favor against Defendant, IOC-Cape Girardeau, LLC d/b/a Century Casino Cape Girardeau, in an amount in excess of Twenty-Five Thousand Dollars (\$25,000.00), for costs incurred herein, and for such other and further relief as the Court may deem just and proper.

Respectfully Submitted,

ROBERTS, WOOTEN & ZIMMER, LLC
Attorneys At Law

10438 Business 21
PO Box 888
Hillsboro, MO 63050
(636) 797-2693 / (636) 789-4205 (fax)

By: _____


Charles R. Wooten, #51250
CharlesWooten@RWZLaw.com
Jonathan W. Doss, #70033
JonathanDoss@RWZLaw.com

STATE OF MISSOURI)
) SS.
 COUNTY OF CAPE GIRARDEAU)

IN THE CIRCUIT COURT FOR THE 32ND JUDICIAL CIRCUIT
 OF MISSOURI AT CAPE GIRARDEAU COUNTY, MISSOURI

MILES PIPER)
)
 Plaintiff,)
)
 vs.) Case No.:
)
 IOC-CAPE GIRARDEAU, LLC d/b/a)
 CENTURY CASINO CAPE GIRARDEAU)
 Serve: Marc Ellinger, Registered Agent)
 308 East High Street, Ste 300)
 Jefferson City, MO 65101)
)
 Defendant.)

ENTRY OF APPEARANCE

Comes now Jonathan W. Doss and ROBERTS, WOOTEN & ZIMMER, L.L.C.
 and enters their appearance as co-counsel on behalf of Miles Piper in this matter.

ROBERTS, WOOTEN & ZIMMER, L.L.C.
 P. O. Box 888
 Hillsboro, Missouri 63050
 (636) 797-2693 Phone
 (636) 789-4205 Fax

(By) /s/ Jonathan W. Doss, 70033
 Jonathan W. Doss #70033
JonathanDoss@RWZLaw.com

PROOF OF SERVICE

The undersigned certifies that a complete copy of this instrument was e-mailed through the Court's electronic E-Filing system to all counsel of record on this 20th day of May, 2021.

JWD/slc

STATE OF MISSOURI)
) SS.
 COUNTY OF CAPE GIRARDEAU)

IN THE CIRCUIT COURT FOR THE 32ND JUDICIAL CIRCUIT
 OF MISSOURI AT CAPE GIRARDEAU COUNTY, MISSOURI

MILES PIPER)
)
 Plaintiff,)
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 vs.) Case No.:
)
 IOC-CAPE GIRARDEAU, LLC d/b/a)
 CENTURY CASINO CAPE GIRARDEAU)
 Serve: Marc Ellinger, Registered Agent)
 308 East High Street, Ste 300)
 Jefferson City, MO 65101)
)
 Defendant.)

REQUEST FOR SPECIAL PROCESS SERVER

Comes now Plaintiff and requests that Rufus Harmon be appointed as special process server for the purpose of serving Defendant IOC-Cape Girardeau, LLC d/b/a Century Casino Cape Girardeau the attached Summons herein.

Approved:

Clerk of the Circuit Court
 Scott County, Missouri

By: _____

ROBERTS, WOOTEN & ZIMMER, LLC
 Attorneys at law
 P.O. Box 888
 Hillsboro, Missouri 63050
 (636) 797-2693
 (636) 789-4205 Fax

By: /s/ Jonathan W. Doss #70033
 Charles R. Wooten #51250
CharlesWooten@RWZLaw.com
 Jonathan W. Doss, #70033
JonathanDoss@RWZLaw.com

STATE OF MISSOURI)
) SS.
 COUNTY OF CAPE GIRARDEAU)

IN THE CIRCUIT COURT FOR THE 32ND JUDICIAL CIRCUIT
 OF MISSOURI AT CAPE GIRARDEAU COUNTY, MISSOURI

MILES PIPER)
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 Plaintiff,)
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 IOC-CAPE GIRARDEAU, LLC d/b/a)
 CENTURY CASINO CAPE GIRARDEAU)
 Serve: Marc Ellinger, Registered Agent)
 308 East High Street, Ste 300)
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Approved:

Clerk of the Circuit Court
 Cape Girardeau County, Missouri

By: *Jana Walther*

ROBERTS, WOOTEN & ZIMMER, LLC
 Attorneys at law
 P.O. Box 888
 Hillsboro, Missouri 63050
 (636) 797-2693
 (636) 789-4205 Fax

By: /s/ Jonathan W. Doss #70033
 Charles R. Wooten #51250
CharlesWooten@RWZLaw.com
 Jonathan W. Doss, #70033
JonathanDoss@RWZLaw.com



IN THE 32ND JUDICIAL CIRCUIT, CAPE GIRARDEAU COUNTY, MISSOURI

Judge or Division: SCOTT ALAN LIPKE	Case Number: 21CG-CC00134	(Date File Stamp)
Plaintiff/Petitioner: MILES PIPER	Plaintiff's/Petitioner's Attorney/Address CHARLES RAY WOOTEN ROBERTS WOOTEN & ZIMMER LLC P O BOX 888 HILLSBORO, MO 63050	
Defendant/Respondent: IOC-CAPE GIRARDEAU LLC DBA CENTURY CASINO CAPE GIRARDEAU RA: MARC ELLINGER	Court Address: 203 NORTH HIGH STREET JACKSON, MO 63755	
Nature of Suit: CC Pers Injury-Other		

Summons in Civil Case

The State of Missouri to: IOC-CAPE GIRARDEAU LLC DBA CENTURY CASINO CAPE GIRARDEAU RA: MARC ELLINGER

Alias:

RA: MARC ELLINGER
308 EAST HIGH ST STE 300
JEFFERSON CITY, MO 65101
COURT SEAL OF



CAPE GIRARDEAU COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

May 21, 2021
Date

/s/ Jana Walther, Deputy Clerk
Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
- ☐ other: _____.

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 32ND JUDICIAL CIRCUIT, CAPE GIRARDEAU COUNTY, MISSOURI

Judge or Division: SCOTT ALAN LIPKE	Case Number: 21CG-CC00134
Plaintiff/Petitioner: MILES PIPER	Plaintiff's/Petitioner's Attorney/Address: CHARLES RAY WOOTEN ROBERTS WOOTEN & ZIMMER LLC P O BOX 888 HILLSBORO, MO 63050
Defendant/Respondent: IOC-CAPE GIRARDEAU LLC DBA CENTURY CASINO CAPE GIRARDEAU RA: MARC ELLINGER	Court Address: 203 NORTH HIGH STREET JACKSON, MO 63755
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

Summons in Civil Case

The State of Missouri to: IOC-CAPE GIRARDEAU LLC DBA CENTURY CASINO CAPE GIRARDEAU RA: MARC ELLINGER

Alias:

RA: MARC ELLINGER
308 EAST HIGH ST STE 300
JEFFERSON CITY, MO 65101

COURT SEAL OF



CAPE GIRARDEAU COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

May 21, 2021

Date

/s/ Jana Walther, Deputy Clerk

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

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☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

☒ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:
MARC ELLINGER (name) Attorney (title).

☐ other: _____

Served at 308 E. High St. Ste 300, Jefferson City MO (address)
 in Colt (County/City of St. Louis), MO, on 5-24-21 (date) at 11:40 AM (time).

Rufus R. Harmon

Printed Name of Sheriff or Server

Rufus R. Harmon

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on 05-26-2021 (date).

(Seal)

My commission expires: 03-03-2026 (date)

Alanna R. Umey

Notary Public